

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-88948458 Residential development with in-fill affordable housing at 5-9 Cowan Road, St Ives
Applicant	Prosper 5-9 Cowan Road St Ives Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Housing & Key Sites Assessment has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's (Department) assessment report is available [here](#).

Date of decision

22 July 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's assessment report;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the proposal would provide a range of benefits for the region and the State as a whole, including a direct investment of \$83,220,909 and creation of approximately 146 construction jobs;
- the proposal is permissible with development consent, and would support NSW Government priorities to deliver well-located housing as it would deliver 77 apartments, including 13 affordable housing apartments, in a highly accessible location;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the proposal is considered to be in line with the Department's Undertaking Engagement Guidelines for State Significant Projects, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the proposal is in the public interest.

Attachment 1 – Consideration of Community Views

The Applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the proposal.

Once the EIS was submitted to the Department it was placed on exhibition from 21 October 2025 until 4 November 2025 (14 days). 17 submissions were received, including 14 objections, two in support and one providing comment. Ku-ring-gai Council (Council) also objected to the proposal.

The Applicant amended the application in response to the concerns raised by the submitters, Council and government agencies.

The Department exhibited the amended application from 7 May 2026 until 20 May 2026 (14 days). 17 submissions were received, including 16 objections and one in support. Council also objected to the proposal.

Department officers visited the site and surrounding area on 17 November 2025 to gain a better understanding of the site context and the issues raised in submissions.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include compatibility, heritage, built form and design, and residential amenity. Other issues are addressed in detail in the Department's assessment report.

<i>Issue</i>	<i>Consideration</i>
Over development - Breach to height - Clause 4.6 is not supported - Excessive envelope and visually dominant - Lack of transition - Visual bulk not aesthetic - Setbacks	The site is subject to a maximum permissible building height of 28.6 m and a maximum Floor Space Ratio (FSR) of 2.86:1 under Chapter 2 and 6 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The proposal complies with the maximum permissible FSR. The proposal does include minor elements which exceed the maximum building height of 28.6 m, including the roof elements of level 8 as well as the lift overruns. The Department considers that the Applicant has demonstrated that compliance with the height development standard is unnecessary in the circumstances and has provided sufficient environmental planning grounds for the variation. The proposed bulk and scale of the development is appropriate in the context of the height and density controls which apply to the site, and the proposal provides a design and setbacks which respond to and minimise impacts on neighbouring properties. The minor setback variations to portions of the development are reasonable, noting areas of variation are suitably balanced against areas that exceed minimum setback distances.
Does not meet the character of the area	The Department has had regard to the existing local character and desired future character of the area in its assessment of the proposal. The proposal provides a scale of development that is consistent with the future character of the area, which would likely comprise of a range of varying residential development density, scale, height and typologies within the precinct. Further, the proposal responds to its immediate neighbours by providing a stepped built form and maintaining adequate setbacks from neighbouring residential properties and heritage items. The proposal also incorporates deep soil zones and landscaping that complement the existing garden setting, and appropriate separation distances to surrounding properties.
Traffic and parking - Increased traffic - Cumulative impacts - Lack of bus services - Reduced pedestrian safety - Insufficient parking, impacts on street parking and visitor parking relying on St Ives Shopping Village (SISV) - Improved compact bicycle parking, lack of a car share and Electric Vehicle (EV) charging to be provided	A Transport Impact Assessment confirmed, the traffic generated by the proposal (of 26 vehicle trips in the morning and evening peaks) as well as the cumulative traffic of the proposal with two other nearby development site, at 4, 12 and 14 Cowan Road (Pymble Golf Club) and 46-50 Cowan Road, can be accommodated on the existing road network. The development is in an accessible area as defined by the Housing SEPP (i.e. within 400 m walking distance of a bus service that has at least one bus per hour servicing the bus stop between 6 am and 9 pm each day from Monday to Friday and 8 am and 6 pm Saturdays and Sundays). The proposal is unlikely to result in adverse impacts to pedestrians and cyclist safety as the proposed vehicular access is appropriately located via Cowan Road, and conditions are recommended to ensure adequate sight lines are provided for vehicles entering and exiting the proposal in accordance with Australian Standards (AS). Additionally, Cowan Road is provided with a

	pedestrian footpath on both sides of the road and a refuge island is located directly in front of the proposal. The proposal provides adequate parking in line with the Housing SEPP and Kuring-gai Development Control Plan (KDCP), subject to conditions. Conditions: - re-allocation of car parking to provide a minimum of 9 affordable housing spaces, 90 market housing spaces and 20 visitor spaces - re-allocation of bicycle parking to be divided into a minimum of 77 residential spaces and 8 visitor spaces - one visitor space is to be provided with a tap for car washing and accessible parking - provision of car parking spaces as proposed and complying with the relevant AS - all parking bays are to be EV ready - provision of a car wash bay, and EV charging infrastructure to comply with the National Construction Code - the layout, design and security of bicycle facilities must be in accordance with the applicable AS - the implementation of a Green Travel Plan.
Construction Impacts - Increased traffic and parking impacts - Ground anchors below neighbouring properties - Construction Traffic Management Plan (CTMP) route - Construction hours - Building damage - Dust and debris - Noise and vibration - Residential access	The Department is satisfied that the proposal can be properly constructed without causing unreasonable environmental impacts, in terms of noise and vibration, traffic and safety and air quality. The Department recommends conditions to prevent unreasonable adverse impacts to neighbouring residents, adjoining developments, or the public domain. The Geotechnical Investigation Report states installation of any ground anchors beyond the property boundaries would be subject to approval by owners of adjoining properties, and roads. Conditions: - compliance with the recommendations of the noise vibration impact assessment - preparation and implementation of a construction noise and vibration management plan (CNVM), as well as other management plans, with mitigation measures to manage impacts - standard, interim construction noise guidelines stipulated construction hours being Monday to Friday – 7 am to 6 pm and Saturday 8 am to 1 pm - respite periods for noisy activities such as rock breaking and piling - no 'offensive noise' under the <i>Protection of the Environment Operations Act 1997</i> - preparation of pre- and post-construction dilapidation reports - CTMP be submitted to Council with consideration to any construction sites within 250 m of the site.
Lack of infrastructure	The proposal is located within an existing urban area with access to public transport, community services, retail, schools and other infrastructure. The proposal is consistent with the strategic intent to increase housing density in accessible areas. The Applicant would be liable for payment of local contributions under the Kuring-gai Local Infrastructure Contributions Plan and Housing Productivity Contributions to contribute to local and State infrastructure. Conditions: - payment of infrastructure contributions - advice from approved utilities prior to the commencement of works that arrangements have been made to ensure provision of adequate services.
St Ives is not a town centre	St Ives is mapped a town centre within the Low and Mid Rise-housing map.
Overshadowing	The overshadowing impact of the proposal to the west and south is considered acceptable on merit, noting that neighbouring properties would generally maintain at least two hours of solar access in mid-winter. The height exceedance beyond the maximum permissible building height would not cause any unreasonable additional overshadowing impacts on surrounding properties.

Loss of visual privacy	The proposal is provided with appropriate setbacks allowing for appropriate visual privacy between properties. Where windows are located within the Apartment Design Guide (ADG) recommended minimum setback distances, they are provided with visual privacy measures such as privacy screening or obscure glazing.
Apartment amenity • COS not overlooked by more than two apartments • Lack of internal solar access • Lack of amenity to ground floor apartments • Acoustic impacts from Mona Vale Road • Not all apartments have balconies	A large number of apartments overlook the ground level COS. Although the two smaller areas of COS on levels 7 and 8, are not directly overlooked, there are windows of apartments on these levels in close proximity to the COS areas. Noting only residents will have access to these areas, the Department is satisfied this outcome is acceptable with regard to safety/security. 71.4% (55 of 77) of apartments receive at least two hours of solar access. 76.92% (10 of 13) of affordable apartments receive at least two hours of solar access. The minor variation to the apartments which receive no solar access is considered acceptable on merit. The ground floor apartments are provided with acceptable amenity inclusive of oversized internal areas and large areas of outdoor private open space. The proposal can achieve acceptable internal acoustic amenity, subject to external wall, roof and glazing requirements. The Department recommends conditions requiring alternative ventilation for apartments to enable residents to maintain both acoustic amenity and ventilation. All apartments are provided with balconies.
Amended proposal has not reduced impacts	The proposal, as amended by the Response to Submissions (RtS) package, reduces potential environmental impacts on neighbours via increased setbacks to the south-western boundary at levels 4 – 6 and visual privacy measures to selected windows. Although floorspace was relocated to the top level to offset floorspace removed as a result of the increased setbacks, the visual and overshadowing impact of the increased height in these areas is minor and acceptable.
Lack of deep soil and landscaping and loss of trees	The proposal includes 9.4% of the site area as deep soil landscaping with minimum dimensions of 6 m, exceeding the 7% ADG minimum requirement. The proposal included 30.8% of the site area as landscaped area to the ground floor, exceeding the 30% Housing SEPP minimum requirement. The proposal includes the removal of 24 trees as they are either located within the building footprint or would be impacted by stormwater infrastructure. In total, 12 of the removed trees are of low significance, with the remaining 12 of medium significance. The Department is satisfied the proposed planting of 16 new trees would satisfactorily offset the required tree removal, noting the replacement trees will have mature heights ranging 5 m–20 m and canopies ranging 3 m–10 m, resulting in an overall tree canopy of 37% of the site area.
Impacts from St Ives Shopping Village (SISV)	The NVIA confirmed that subject to the implementation of mitigation measures, operational acoustic impacts can be managed minimising adverse impacts to surrounding residential properties. Lighting impacts the SISV (existing and future development of the SISV) would be in accordance with the relevant Australian standards. Odour emissions associated with the exhaust vents and loading dock operations at SISV are consistent with expectations for a mixed-use urban environment and are unlikely to result in unacceptable amenity impacts to the proposal development. Conditions: • Mitigation measures within the NIVA be implemented.
Other matters • Property devaluation • Negative precedents • Affordable housing for 15 years • Lack of consultation • Site visit not conducted • Does not consider KDCP • Easements not addressed • Detailed site investigation (DSI) should be reviewed by Council	The Department has undertaken a detailed assessment of the merits of the proposal having regard to the requirements of the KLEP and the Housing SEPP and has considered the views of the community, Council and advice from relevant agencies. The Department has also considered the likely impacts of the proposal and suitability of the site and concludes that the proposal would have acceptable impacts and is in the public interest. The proposed development proposes 13 in-fill affordable housing apartments for a minimum of 15 years in accordance with Chapter 2 of the Housing SEPP. The Applicant's Engagement Report demonstrates that satisfactory community consultation has been undertaken in accordance with the Undertaking Engagement Guidelines for State Significant Projects. The Department exhibited the EIS for 14 days and the RtS for 14 days and has considered the issues raised in submissions as part of its assessment.

	A site visit was carried out by the Department on 17 November 2025. In accordance with Clause 2.10 of the Planning Systems SEPP, the KDCP does not apply to SSDs. As outlined in Appendix C of this report, an assessment against all relevant statutory requirements has been undertaken. The DSI was reviewed by Council during the exhibition of the RtS.
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